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By: **Delegate C. Davis**

Introduced and read first time: February 14, 2003

Assigned to: Rules and Executive Nominations

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A BILL ENTITLED

1 AN ACT concerning

2 **Commission on Environmental Justice and Sustainable Communities**

3 FOR the purpose of establishing the Commission on Environmental Justice and  
4 Sustainable Communities; providing for the membership and terms of the  
5 Commission; requiring the Governor to designate the chairman of the  
6 Commission; providing for the staff, meeting times and places, and quorum of  
7 the Commission; prohibiting a member of the Commission from receiving  
8 compensation, but authorizing certain reimbursement; providing for the duties  
9 of the Commission; requiring the Commission to submit a certain report on or  
10 before a certain date each year; defining a certain term; and generally relating  
11 to the Commission on Environmental Justice and Sustainable Communities.

12 BY repealing and reenacting, without amendments,  
13 Article - Environment  
14 Section 1-101(a) and (k)  
15 Annotated Code of Maryland  
16 (1996 Replacement Volume and 2002 Supplement)

17 BY adding to  
18 Article - Environment  
19 Section 1-701 to be under the new subtitle "Subtitle 7. Environmental Justice"  
20 Annotated Code of Maryland  
21 (1996 Replacement Volume and 2002 Supplement)

22 Preamble

23 WHEREAS, Environmental justice is based on the principle that regardless of  
24 race, national origin, age, or income, no segment of the population should bear  
25 disproportionately high and adverse effects of environmental pollution; and

26 WHEREAS, The State supports and is committed to the principle of  
27 environmental justice and equal protection of all citizens of the State in a manner  
28 that fully complies with Title VI of the Civil Rights Act of 1964; and

1 WHEREAS, Major statewide revitalization initiatives for reducing sprawl,  
2 encouraging redevelopment, and enhancing community life address environmental  
3 conditions of our communities and provide new economic opportunities in these  
4 communities, while preserving more pristine areas from sprawl and additional  
5 pollution; and

6 WHEREAS, Economic development and environmental protection are  
7 interdependent, and equal treatment and opportunities must be afforded to all  
8 citizens of the State by involving affected communities; and

9 WHEREAS, Chapter 741 of the Acts of 1997 established the Maryland Advisory  
10 Council on Environmental Justice, which made recommendations for assessing and  
11 implementing environmental protection to communities in a fair and equitable  
12 manner throughout the State; and

13 WHEREAS, Chapter 585 of the Acts of 2000 established the Children's  
14 Environmental Health and Protection Advisory Council to recommend, in part,  
15 solutions to environmental justice issues affecting the health of children; and

16 WHEREAS, Certain communities in the State may suffer disproportionately  
17 from environmental hazards related to programs and policies designed to encourage  
18 industrial, municipal, or commercial revitalization; and

19 WHEREAS, Fair treatment suggests that no community should  
20 disproportionately suffer the negative environmental impacts resulting from  
21 industrial, municipal, and commercial operations or the implementation of State,  
22 local, and municipal programs and policies; and

23 WHEREAS, Environmental justice considerations should be integrated into the  
24 State's revitalization initiatives for reducing sprawl, encouraging redevelopment, and  
25 enhancing community life; and

26 WHEREAS, Environmental justice does not need to hinder economic  
27 development, and economic development and environmental equity in the State can  
28 and should be effectively balanced; and

29 WHEREAS, An executive order was issued and signed by former Governor  
30 Parris Glendening to create a temporary Commission on Environmental Justice and  
31 Sustainable Communities; now, therefore,

32 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
33 MARYLAND, That the Laws of Maryland read as follows:

34 **Article - Environment**

35 1-101.

36 (a) In this article the following words have the meanings indicated.

37 (k) "Secretary" means the Secretary of the Environment.

## SUBTITLE 7. ENVIRONMENTAL JUSTICE.

1-701.

(A) IN THIS SECTION, "ENVIRONMENTAL JUSTICE" MEANS EQUAL PROTECTION FROM ENVIRONMENTAL AND PUBLIC HEALTH HAZARDS FOR ALL PEOPLE REGARDLESS OF RACE, INCOME, CULTURE, AND SOCIAL STATUS.

(B) THERE IS A COMMISSION ON ENVIRONMENTAL JUSTICE AND SUSTAINABLE COMMUNITIES.

(C) THE COMMISSION CONSISTS OF THE FOLLOWING 15 MEMBERS:

(1) ONE MEMBER OF THE SENATE OF MARYLAND, APPOINTED BY THE PRESIDENT OF THE SENATE;

(2) ONE MEMBER OF THE HOUSE OF DELEGATES, APPOINTED BY THE SPEAKER OF THE HOUSE;

(3) THE SECRETARY, OR THE SECRETARY'S DESIGNEE;

(4) THE SECRETARY OF HEALTH AND MENTAL HYGIENE, OR THE SECRETARY'S DESIGNEE;

(5) THE SECRETARY OF PLANNING, OR THE SECRETARY'S DESIGNEE; AND

(6) TEN MEMBERS APPOINTED BY THE GOVERNOR WHO REPRESENT THE FOLLOWING INTERESTS:

(I) AFFECTED COMMUNITIES CONCERNED WITH ENVIRONMENTAL JUSTICE;

(II) BUSINESS ORGANIZATIONS;

(III) ENVIRONMENTAL ORGANIZATIONS;

(IV) HEALTH EXPERTS ON ENVIRONMENTAL JUSTICE;

(V) LOCAL GOVERNMENT; AND

(VI) THE GENERAL PUBLIC WITH INTEREST OR EXPERTISE IN ENVIRONMENTAL JUSTICE.

(D) (1) THE TERM OF A MEMBER APPOINTED BY THE GOVERNOR IS 3 YEARS.

(2) AT THE END OF A TERM, A MEMBER CONTINUES TO SERVE UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.

1 (3) A MEMBER WHO IS APPOINTED AFTER A TERM HAS BEGUN SERVES  
2 ONLY FOR THE REST OF THE TERM AND UNTIL A SUCCESSOR IS APPOINTED AND  
3 QUALIFIES.

4 (4) A MEMBER MAY NOT BE APPOINTED TO MORE THAN TWO  
5 CONSECUTIVE TERMS.

6 (E) THE GOVERNOR SHALL DESIGNATE THE CHAIRMAN OF THE COMMISSION.

7 (F) THE DEPARTMENT SHALL PROVIDE STAFF FOR THE COMMISSION.

8 (G) (1) THE COMMISSION SHALL MEET AT THE TIMES AND PLACES THAT  
9 THE CHAIRMAN DETERMINES.

10 (2) A MAJORITY OF MEMBERS OF THE COMMISSION SHALL CONSTITUTE  
11 A QUORUM FOR THE TRANSACTION OF BUSINESS.

12 (3) A MEMBER OF THE COMMISSION:

13 (I) MAY NOT RECEIVE COMPENSATION; BUT

14 (II) IS ENTITLED TO REIMBURSEMENT FOR EXPENSES UNDER THE  
15 STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN THE STATE BUDGET.

16 (H) THE COMMISSION SHALL:

17 (1) ADVISE STATE GOVERNMENT AGENCIES ON ENVIRONMENTAL  
18 JUSTICE AND RELATED COMMUNITY ISSUES;

19 (2) REVIEW AND ANALYZE THE IMPACT OF CURRENT STATE LAWS AND  
20 POLICIES ON THE ISSUE OF ENVIRONMENTAL JUSTICE AND SUSTAINABLE  
21 COMMUNITIES;

22 (3) ASSESS THE ADEQUACY OF STATE AND LOCAL GOVERNMENT LAWS  
23 TO ADDRESS THE ISSUE OF ENVIRONMENTAL JUSTICE AND SUSTAINABLE  
24 COMMUNITIES;

25 (4) COORDINATE WITH THE CHILDREN'S ENVIRONMENTAL HEALTH AND  
26 PROTECTION ADVISORY COUNCIL ON RECOMMENDATIONS RELATED TO  
27 ENVIRONMENTAL JUSTICE AND SUSTAINABLE COMMUNITIES;

28 (5) DEVELOP CRITERIA TO ASSESS WHETHER COMMUNITIES IN THE  
29 STATE MAY BE EXPERIENCING ENVIRONMENTAL JUSTICE ISSUES; AND

30 (6) RECOMMEND OPTIONS TO THE GOVERNOR FOR ADDRESSING  
31 ISSUES, CONCERNS, OR PROBLEMS RELATED TO ENVIRONMENTAL JUSTICE THAT  
32 SURFACE AFTER REVIEWING STATE LAWS AND POLICIES, INCLUDING PRIORITIZING  
33 AREAS OF THE STATE THAT NEED IMMEDIATE ATTENTION.

1 (I) ON OR BEFORE OCTOBER 1 OF EACH YEAR, THE COMMISSION SHALL  
2 REPORT ITS FINDINGS AND RECOMMENDATIONS TO THE GOVERNOR AND, SUBJECT  
3 TO § 2-1246 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY.

4 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
5 October 1, 2003.